UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,774	01/16/2004	Philip Barthram	063170.6682	8142

5073 7590 10/21/2008

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER	
BROPHY, MATTHEW J	

ART UNIT	PAPER NUMBER
2191	

NOTIFICATION DATE	DELIVERY MODE
10/21/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com

Office Action Summary	Application No.	Applicant(s)	
	10/759,774	BARTHRAM ET AL.	
	Examiner	Art Unit	
	MATTHEW J. BROPHY	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2008*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,7-23,29-43,45,51-65,67,73-87 and 90-106* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1,7-23,29-43,45,51-65,67,73-87 and 90-106* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to amendment filed July 3, 2008

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg et al. (US Pat. #: 5,933,647), hereinafter "Aronberg", in view of Okada et al. (US Pat. #: 6,049,670), hereinafter "Okada".

As for claim 91 Aronberg discloses:

A method for managing a plurality of computers associated with a user having a user characteristic comprising:

displaying to a network administrator resource information identifying a plurality of network computers that are used by a single user; **(Col 2, Ln 1-8, " The present invention provides a sophisticated graphical condition expression builder to allow distributions based on any combination of several criteria, including user name, group membership, hard disk size, free disk space, and environment variables. Moreover, the present invention has the ability to vary an installation at distribution time based on any of the above criteria. WinInstall and Symantec do not.")**

receiving selection information from the network administrator the selection information comprising a user characteristic associated with the user; (any combination of several criteria, Col. 2, lines 3-5, Col. 4, lines 62-67, and FIGs. 3-10)
receiving management information from the network administrator; (distribution control information, Col. 2, lines 54-57, Col. 2, line 66 to Col. 3, line 1 and Col. 3, lines 8-14

based on the selection information selecting each of the plurality of network computers that are associated with the single user (any combination of several criteria, Col. 2, lines 3-5, Col. 3, lines 8-14, Col. 4, lines 48-67, and FIGs. 3-10); and
modifying each of the plurality of network computers associated with the single user based on the management information; (Col. 3, lines 8-14 and FIGs. 3-10). and
wherein selecting and modifying are performed when the user becomes newly associated with at least one of the target computers.
However, Aronberg does not disclose:
identifying as target computers each of the plurality of network computers that are used by the single user; **(e.g. Column 7, Lines 44-53, "FIG. 6 shows information managed by the host computer 11 when one user has a plurality of terminals.**

In this figure, the user information includes the user identifier UID of 01 (UID=01), the user name, information (number) of a cash card of the user, and purchase information of the software program. The purchase information includes a list showing the name and the price of the software program which

was sold to the user from the distribution center. The purchase information is obtained by referring to, for example, the selling information having the corresponding user identifier UID. The purchase information in FIG. 6 shows that the user having the user identifier UID of 01 bought the software programs LOTUS-WIN, FM HISHO, LOTUS, and OASYS.

The three terminals of PC98, TOWNS, and FMR, belong to the user having the user identifier UID of 01. Among these terminals, PC98 and TOWNS, which respectively have the terminal identifiers MIDs of 11 and 10, have been registered in the host computer 11. The two terminals are related to the user identifier UID of 01 at the time of the registration. The user identifier UID may be written into the machine (terminal) information at the time of the registration as shown in FIG. 4, or the machine information may be related to the user information by a pointer.")

selecting and modifying are performed when the user becomes newly associated with at least one of the plurality of computers (Col. 4, lines 62-67, Col. 3, lines 8-14, Col. 1, lines 41-45, and FIGs. 3-10; note that "the user at the administrator" selects which user associated with which computer should have a software.).

4.

5.

6. Claims 1, 7-13, 23, 29-35, 45, 51-57, 67, 73-79, and 90, 92-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg et al. (US Pat. #: 5,933,647), hereinafter "Aronberg", in view of Okada et al. (US Pat. #: 6,049,670), hereinafter "Okada" and further in view of "Hayes Jr" (US Pat. # 6,105,063".

7. The citations of these rejections not found in this office action can be found in a previous office action.

8.

As for claim 1, Aronberg discloses:

A method (Col. 11, Lines 1-3) for managing a plurality of computers, at least one of the plurality of computers associated with a user having a user characteristic, comprising:

displaying, to a network administrator, a user-obiect data structure comprising resource information identifying a plurality of network computers in an enterprise system (FIGs. 7-10) that are used by a selected one of a plurality of users the plurality of enterprise computers representing all the enterprise computers in the enterprise system that are used by the selected user. **(Col 2, Ln 1-8, " The present invention provides a sophisticated graphical condition expression builder to allow distributions based on any combination of several criteria, including user name, group membership, hard disk size, free disk space, and environment variables. Moreover, the present invention has the ability to vary an installation at distribution time based on any of the above criteria. WinInstall and Symantec do not.")**

receiving selection information (any combination of several criteria, Col. 2, lines 3-5, Col. 4, lines 62-67, and FIGs. 3-10) from a network administrator (the user at the administrator, Col. 4, lines 62-67 and Col. 2, lines 54-57), the selection information comprising a user characteristic associated with the selected user (user name, Col. 2, line 3 and FIGs. 6 and 9);

receiving management information (distribution control information, Col. 2, lines 54-57, Col. 2, line 66 to Col. 3, line 1 and Col. 3, lines 8-14) from the network administrator (the user at the administrator, Col. 4, lines 62-67 and Col. 2, lines 54-57);

selecting each of the plurality of networked computers that are used by the selected user. (which computer, Col. 3, lines 8-10) based on selection information (any combination of several criteria, Col. 2, lines 3-5, Col. 3, lines 8-14, Col. 4, lines 48-67, and FIGs. 3-10); and modifying each of the target computers that are used by the selected user based on the management information (Col. 3, lines 8-14 and FIGs. 3-10).

However, Aronberg does not explicitly disclose:

computer-related information is all network computers within a plurality of network computers that are used by a selected one of a plurality of users.

Identifying as target computers, each of the plurality of network computers that are used by the selected user;

On the other hand, Okada discloses:

computer-related information is all network computers within a plurality of network computers that are used by a selected one of a plurality of users (FIGs. 2-6, Col. 6, lines 25-33 and Col. 7, lines 30-31). And

Identifying as target computers <u>to receive a modification</u>, <u>all</u> of the plurality of network computers that are used by the selected user; **(e.g. Column 7, Lines 44-53, "FIG. 6**

shows information managed by the host computer 11 when one user has a plurality of terminals.

In this figure, the user information includes the user identifier UID of 01 (UID=01), the user name, information (number) of a cash card of the user, and purchase information of the software program. The purchase information includes a list showing the name and the price of the software program which was sold to the user from the distribution center. The purchase information is obtained by referring to, for example, the selling information having the corresponding user identifier UID. The purchase information in FIG. 6 shows that the user having the user identifier UID of 01 bought the software programs LOTUS-WIN, FM HISHO, LOTUS, and OASYS.

The three terminals of PC98, TOWNS, and FMR, belong to the user having the user identifier UID of 01. Among these terminals, PC98 and TOWNS, which respectively have the terminal identifiers MIDs of 11 and 10, have been registered in the host computer 11. The two terminals are related to the user identifier UID of 01 at the time of the registration. The user identifier UID may be written into the machine (terminal) information at the time of the registration as shown in FIG. 4, or the machine information may be related to the user information by a pointer.“)

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg with the teachings of Okada by having computer-related information is all network computers within a plurality of network

computers that are used by a selected one of a plurality of users in order to allow distributions based on any combination of several criteria, including user name, group membership, hard disk size, free disk space, and environment variables (Aronberg, Col. 2, Lines 1-7), to provide a complete software distribution and desktop management system for a computer network environment, and to provide a software distribution and desktop management system with full integration into a graphical user interface based operating system (Aronberg, Col. 1, Lines 30-31 and Col. 2, lines 43-49).

In addition, with regards to the amendment to include an "enterprise system" niether of the previous references specifically disclose this element. However, This element is taught by Hayes Jr. **(Col Ln "A user inherits software permissions from group memberships. With careful enterprise modeling, the administrator can assign software access to many users without having to navigate through panels, one user at a time. Profile management controls access by programming the web server to permit/deny access to applets. The web server enforces the access control. The profile manager servlet is also protected by the WebServer requiring user ID's and passwords to be passed to the webserver for authentication purposes. It is standard browser functionality to prompt for user passwords as required.")**

In addition it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Aronberg with the teachings of Hayes Jr. as Hayes Jr. teaches the distribution of software in an enterprise system based on user

information and Aronberg combined with Okada would provide the means for doing it based on user information for each terminal in a system.

As for claims 23, 45, and 67, the claims are rejected for the same reason as set forth in the rejection of claim 1.

As for claim 90, Aronberg discloses:

A method, comprising:

displaying, to a network administrator resource information identifying computer-related information (FIGs. 7-10);

the plurality of enterprise computers representing all the enterprise computers in the enterprise system that are used by the selected user. **(Col 2, Ln 1-8, " The present invention provides a sophisticated graphical condition expression builder to allow distributions based on any combination of several criteria, including user name, group membership, hard disk size, free disk space, and environment variables. Moreover, the present invention has the ability to vary an installation at distribution time based on any of the above criteria. WinInstall and Symantec do not.")**

receiving selection information (any combination of several criteria, Col. 2, lines 3-5, Col. 4, lines 62-67, and FIGs. 3-10) from the network administrator (the user at the administrator, Col. 4, lines 62-67 and Col. 2, lines 54-57), the selection information

comprising a user characteristic associated with the user (user name, Col. 2, line 3 and FIGs. 6 and 9);

receiving management information (distribution control information, Col. 2, lines 54-57, Col. 2, line 66 to Col. 3, line 1 and Col. 3, lines 8-14) from the network administrator (the user at the administrator, Col. 4, lines 62-67 and Col. 2, lines 54-57); based on the selection information (any combination of several criteria, Col. 2, lines 3-5, Col. 3, lines 8-14, Col. 4, lines 48-67, and FIGs. 3-10), selecting the plurality of network computers (which computer, Col. 3, lines 8-14); and

modifying the selected plurality of network computers based on the management information (Col. 3, lines 8-14 and FIGs. 3-10).

However, Aronberg does not explicitly disclose:

computer-related information is a plurality of network computers that are used by a single user; and

the plurality of network computers are associated with the user.

Identifying as target computers, each of the plurality of network computers that are used by the selected user;

On the other hand, Okada discloses:

computer-related information is a plurality of network computers that are used by a single user (FIGs. 2-6, Col. 6, lines 25-33 and Col. 7, lines 30-31); and

the plurality of network computers are associated with the user (FIGs. 2-6, Col. 6, lines 25-33 and Col. 7, lines 30-31). And Identifying as target computers, each of the plurality

of network computers that are used by the selected user; **(e.g. Column 7, Lines 44-53, "FIG. 6 shows information managed by the host computer 11 when one user has a plurality of terminals.**

In this figure, the user information includes the user identifier UID of 01 (UID=01), the user name, information (number) of a cash card of the user, and purchase information of the software program. The purchase information includes a list showing the name and the price of the software program which was sold to the user from the distribution center. The purchase information is obtained by referring to, for example, the selling information having the corresponding user identifier UID. The purchase information in FIG. 6 shows that the user having the user identifier UID of 01 bought the software programs LOTUS-WIN, FM HISHO, LOTUS, and OASYS.

The three terminals of PC98, TOWNS, and FMR, belong to the user having the user identifier UID of 01. Among these terminals, PC98 and TOWNS, which respectively have the terminal identifiers MIDs of 11 and 10, have been registered in the host computer 11. The two terminals are related to the user identifier UID of 01 at the time of the registration. The user identifier UID may be written into the machine (terminal) information at the time of the registration as shown in FIG. 4, or the machine information may be related to the user information by a pointer. ")

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg with the teachings of Okada by having

computer-related information to be a plurality of network computers that are used by a single user and the plurality of network computers that are associated with the user in order to allow distributions based on any combination of several criteria, including user name, group membership, hard disk size, free disk space, and environment variables (Aronberg, Col. 2, Lines 1-7), to provide a complete software distribution and desktop management system for a computer network environment, and to provide a software distribution and desktop management system with full integration into a graphical user interface based operating system (Aronberg, Col. 1, Lines 30-31 and Col. 2, lines 43-49).

In addition, with regards to the amendment to include an "enterprise system" niether of the previous references specifically disclose this element. However, This element is taught by Hayes Jr. **(Col Ln "A user inherits software permissions from group memberships. With careful enterprise modeling, the administrator can assign software access to many users without having to navigate through panels, one user at a time. Profile management controls access by programming the web server to permit/deny access to applets. The web server enforces the access control. The profile manager servlet is also protected by the WebServer requiring user ID's and passwords to be passed to the webserver for authentication purposes. It is standard browser functionality to prompt for user passwords as required.")**

In addition it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Aronberg with the teachings of Hayes Jr. as

Hayes Jr. teaches the distribution of software in an enterprise system based on user information and Aronberg combined with Okada would provide the means for doing it based on user information for each terminal in a system.

As for claim 92, Aronberg discloses:

selecting and modifying are performed when the user characteristic is one of changed and added (Col. 4, lines 62-67, Col. 3, lines 8-14, Col. 1, lines 41-45, and FIGs. 3-10; note that "the user at the administrator" selects which user associated with which computer should have a software).

As for claim 93 Aronberg discloses:

the user characteristic (user name, Col. 2, line 3 and FIGs. 6 and 9) is related to

• an employment function of the user (marketing group users, financial group users, engineering group users, Col. 5, lines 60-65).

As for claim 94 Aronberg discloses:

the user characteristic (user name, Col. 2, line 3 and FIGs. 6 and 9) is at least one of a user group and a geographic identifier (marketing group users, financial group

As for claims 95 Aronberg discloses:

the selection information further includes a computer characteristic (User [machine id], FIG. 9, Col. 2, lines 3-7, and Col. 3, lines 8-14), and the computer characteristic is

related to a function of at least one of the plurality of computers (which computer, Col. 3, lines 8-10).

As for claim 96, Aronberg discloses:

the selection information further includes a computer characteristic (User [machine id], FIG. 9, Col. 2, lines 3-7, and Col. 3, lines 8-14), and the computer characteristic is at least one of a group (group of workstations, Col. 1, lines 40-44), a geographic identifier, and configuration information (customized configuration, Col. 2, lines 52-57 and Col. 1, lines 40-44).

As for claims 11, 33, 55, 77 and 97Aronberg discloses:

modifying includes transmitting software to the each of the target computers that are used by the selected user (which computer, Col. 3, lines 8-10) from a software database (the file server, Col. 3, lines 8-14 and Col. 6, lines 20-23), and installing the software on the each of the target computers that are used by the selected user (Col. 3, lines 8-14).

As for claims 12, 34, 56, 78 and 98 Aronberg discloses:

the management information (distribution control information, Col. 2, lines 54-57, Col. 2, line 66 to Col. 3, line 1 and Col. 3, lines 8-14) includes a software identifier (the software, Col. 3, line 10 and FIG. 5) and an action (FIG. 5) to be performed on each of

the target computers that are used by the selected user (which computer, Col. 3, lines 8-10).

As for claims 13, 35, 57, 79 and 99 Aronberg discloses:

displaying the management information associated with the user (FIG. 3-6 and FIG. 9-10), wherein the management information includes at least one installation(the software, Col. 3, line 10 and FIG. 5) associated with the user (user name, Col. 2, line 3 and FIGs. 6 and 9), and at least one task (FIG. 5) associated with the user (user name, Col. 2, line 3 and FIGs. 6 and 9);

9. Claims 14-15, 17-19, 36-37, 39-41, 58-59, 61-63, 80-81, and 83-85, 100, 101, 103-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg in view of Okada, and further in view of “Hayes Jr” (US Pat. # 6,105,063”and further in view of Lubanski et al. (Mike Lubanski and Darshan Doshi, "SMS 2 Administration", SAMS, February 2000), hereinafter "Lubanski".

As for claims 14, 36, 58, 80 and 100 both Aronberg and Okada do not explicitly disclose:

displaying information stored on at least one of the plurality of computers associated with the user.

However, Lubanski discloses:

displaying information stored on at least one of the plurality of computers associated with the user (browse the hardware and software inventory of a machine and the product-compliance details of software on machines, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 12 of 14, Lines 21- 22).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Okada with the teachings of Lubanski by displaying information stored on at least one of the plurality of computers associated with the user in order to distribute and manage software as well as to track the software's usage (Lubanski, Chapter 1, Section: The Need for Desktop and Software Management, Page 3 of 4, Lines 34-35).

As for claims 15, 37, 59, 81 and 101 Aronberg does not explicitly disclose:
providing a link to information stored on at least one of the plurality of computers associated with the user.
However, Lubanski discloses:
providing a link to information stored on at least one of the plurality of computers associated with the user (Resource Explorer is used to browse the hardware and software inventory of a machine and the product-compliance details of software on 'machines, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 12 of 14, Line 21).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Okada with the teachings of Lubanski by providing a link to information stored on at least one of the plurality of computers associated with the user in order to distribute and manage software as well as to track the software's usage (Lubanski, Chapter 1, Section: The Need for Desktop and Software Management, Page 3 of 4, Lines 34-35).

As for claims 17, 39, 61 and 83 Aronberg does not explicitly disclose:
storing at least one of a computer characteristic and the user characteristic in an external database.
However, Lubanski discloses:
storing at least one of a computer characteristic (Resource Domain, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Pages 2-3 of 14, Figure 2.2) and the user characteristic (Account Domain, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Pages 2-3 of 14, Figure 2.2) in an external database (SQL database) (SMS uses the SQL database as an engine and storage facility for its data, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, andSMS, Page 5of 14, Line 6).
It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Okada with the teachings of Lubanski by storing at least one of a computer characteristic and the user characteristic in an

external database in order to provide the information necessary for SMS to perform its other functions, such as software distribution or remote control (Lubanski, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Lines 9-10)

As for claims 18, 40, 62 and 84 and 103Aronberg does not explicitly disclose:
interfacing with an external database including at least one of a computer characteristic and the user characteristic.
However, Lubanski discloses:
interfacing with an external database including at least one of a computer characteristic (Resource Domain, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Pages 2-3 of 14, Figure 2.2) and the user characteristic (Account Domain, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Pages 2-3 of 14, Figure 2.2) (SMS uses the SQL database as an engine and storage facility for its data, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Line 6).
It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Okada with the teachings of Lubanski by interfacing with an external database including at least one of a computer characteristic and the user characteristic in order to provide the information necessary for SMS to perform its other functions, such as software distribution or remote control

(Lubanski, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Lines 9-10).

As for claims 19, 41,63, 85 and 104 Aronberg does not explicitly disclose:
populating an external database including at least one of a computer characteristic and the user characteristic with application data.
However, Lubanski discloses:
populating an external database (SQL database) including at least one of a computer characteristic and the user characteristic with application data (Chapter 8, Section: Discovery and Discovery Methods, Page 1 of 16, Lines 17-18, and Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 12 of 14, Lines 1-5) (Note that SMS uses the SQL database as an engine and storage facility for its data, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Line 6; all discovered resources are stored in SQL database).
It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Okada with the teachings of Lubanski by populating an external database including at least one of a computer characteristic and the user characteristic with application data in order to provide the information necessary for SMS to perform its other functions, such as software distribution or remote control(Lubanski, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Lines 9-10).

Claims 20, 42, 64, 86 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg in view of Okada, and further in view of Brovick et al. (Edgar Brovick, Doug Hauger, and William C. Wade III, 'M#indows 2000 Active Directory", SAMS, February 2000), hereinafter "Brovick".

45.

As for claims 20, 42, 64, 86 and 105, Aronberg does not explicitly disclose:

populating a target database with data from an external database, the data including at least one of a computer characteristic and the user characteristic.

However, Brovick discloses:

populating a target database (DC) with data from an external database (DC) (replicate the directory data between the DCs, Chapter 10, Section: Replication, Page 1 of 8, Line 12), the data including at least one of a computer characteristic and the user characteristic (critical information about computer networks, users, and groups in a single data store, Chapter 2, Page 1 of 9, Line 39).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Okada with the teachings of Brovick by populating a target database with data from an external database in order to provide quick and efficient directory services to clients across the enterprise (Brovick, Chapter 10, Section: Replication, Page 1 of 8, Line 9).

Claims 16, 21, 38, 43, 60, 65, 82, 87 102 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg in view of Okada, and further in view of “Hayes Jr” (US Pat. # 6,105,063” and further in view of Davis et al. (US Pat. #: 5,742,829), hereinafter "Davis".

As for claims 16, 38, 60, and 82, Aronberg discloses:

modifying a computer (which computer, Col. 3, lines 8-10) based on the user characteristic (user name, Col. 2, line 3 and FIGs. 6 and 9) that is one of stored in a database (the file server, Col. 3, lines 8-14 and Col. 6, lines 20-23).

However, both Aronberg and Okada do not explicitly disclose:

modifying a computer based on the user characteristic that is one of stored in a database and entered into the at least one selected computer by the user.

On the other hand, Davis discloses:

modifying a computer based on the user characteristic (the current user and user configuration information for the current user, Col. 12, Lines 40-41) that is one of stored in a database (SQL Server, FIG. 2) and entered into the at least one selected computer by the user (FIG. 4, FIG. 5A, and FIG. 5B, and the client setup executable 354 accesses the domain initialization file 356 to retrieve the program list ("the program list") to be loaded onto the client and utilizes the copy list 358 to load the software, Col. 9, Lines 8-11 ; note that "the client" here means "the local computer" with user characteristic).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg with the teachings of Davis by modifying a

computer based on the user characteristic that is one of stored in a database and entered into the at least one selected computer by the user in order to install software from a master computer to a slave computer upon user initiation (Davis, Col. 1, lines 66-67).

37. As for claims 21,43, 65, 87 and 106 both Aronberg and Okada do not explicitly disclose:

checking newly inputted management information against the management information for a conflict.

However, Davis discloses:

checking newly inputted management information against the management information for a conflict (if the program list differs from what is actually installed on a client, during the process of logging onto the client server, the preferred embodiment will make what is actually loaded on the client conform to the program list, Col. 9, Lines 21-23).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg with the teachings of Davis by checking newly inputted management information against the management information for a conflict in order to give the user total control over what events will take place (Aronberg, Col. 1, Lines 30-31).

Response to Arguments

Applicant's arguments filed July 3, 2008 have been fully considered but they are not persuasive.

In Remarks, Applicant argues:

Although Aronberg relates to "a system for distributing software in a customized configuration, to pre-selected computers in a network environment" and includes a workstation running a console for "[creating] distribution control information which dictates how the software is distributed and to what agent based workstations under a given set of conditions" (Aronberg, Abstract), the condition expression builder of Aronberg is client based rather than user based. Specifically, Aronberg discloses that "a condition expression builder.., controls which computer should install the software" and that such conditions "may be based on the name of the computer running the agent, a group membership of the computer running the agent, or hard disk capacity of the computer running the agent." (Aronberg, Column 3, lines 8-14). Because the system of Aronberg is computer-centric rather than user-centric, Aronberg does not disclose, teach, or suggest".., identifying a plurality of network computers in an enterprise system that are used by a selected one of a plurality of users, the plurality of enterprise computers representing all of the network computers in the enterprise system that are used by the selected user," as recited in Claim 1. For analogous reasons, Aronberg does not disclose, teach, or suggest "identifying, as target computers to receive a modification, all of the plurality of network computers in the enterprise system that are used by the selected user," as recited in Claim 1.

Examiner's Response:

Examiner respectfully disagrees. The Aronberg reference teaches distribution based on "user name". As such it teaches these limitations in combination with Okada. **(Col 2, Ln 1-8, " The present invention provides a sophisticated graphical condition**

expression builder to allow distributions based on any combination of several criteria, including user name, group membership, hard disk size, free disk space, and environment variables. Moreover, the present invention has the ability to vary an installation at distribution time based on any of the above criteria. WinInstall and Symantec do not.")

In Remarks applicant argues:

The additional disclosure of Okada does not cure the identified deficiencies of Aronberg. Rather, Okada discloses "an on-line system in which individuals can purchase a software program through a network" that imposes on users "[1]imitations on installing and using the software program." (Okada, Column 1, lines 36-44). Thus, Okada relates to a system for tracking the sale of software to individual users over the Internet. For implementing the limitations on installing and using the software, Okada discloses that when a purchase of software is made a selling record is created that includes "the name of the sold software program (software name), the user identifier UID of the user who purchases the software program and the selling date of the software program." (Okada, Column 6, lines 34-38). In addition to the selling record, Okada discloses that a "user information storage unit stores user information, including a user identifier which indicates a user to which the software program is distributed" and that a "terminal information storage unit stores terminal information, including a terminal identifier which indicates a terminal in which the software program is installed." (Okada, Column 2, lines 10-20; Figures 3 and 4). "Using the selling information, the host computer 11 can recognize when, by whom, and to which terminal the software program was sold and

installed, to make the selling record of the software program." (Okada, Column 6, lines 44-48). "Therefore, it is possible to recognize which user receives the software program and which terminal the software program is installed in." (Okada, Column 4, lines 62-65). Thus, Okada merely tracks the software programs sold, the users to whom they are sold, and the terminals each software program may be used on… For at least these reasons, Applicants respectfully submit that Okada does not disclose, teach, or suggest ". . . identifying a plurality of network computers in an enterprise system that are used by a selected one of a plurality of users, the plurality of enterprise computers representing all of the network computers in the enterprise system that are used by the selected user," as recited in Claim 1.

Examiner's Response:

Examiner respectfully disagrees. Examiner reminds the applicant

"During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's en banc decision in Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard" (See MPEP §2111)

As described by the applicant, Okada teaches that information is stored for terminals having previously accessed the software distribution system and terminals registered by the user, (see e.g. Col. 8.). In addition, while the Okada patent does not use the phrase "all computers" [used by the selected user]" These two methods of identification of computers used by a user in Okada cover the all the computers used by a user in

Okada's system. In particular, no unregistered use is taught in the system. In fact, Okada further teaches the temporary registration of a User ID whenever a terminal used by the user is connected to the host computer (FIG. 8, see e.g. Col. 8, Lines 42-52). Therefore, Okada anticipates the "… computers representing all of the network computers in the enterprise system that are used by the selected user."

In remarks, Applicant Argues:

Applicants have shown that there is no disclosure in Okada that the terminals of PC98, TOWNS, and FMR are network computer in an enterprise system.

Examiner response:

This argument is moot in view of the new grounds of rejection.

In Remarks, Applicant Argues:

The first cited portion merely discloses that a "user at the administrator, i.e., console 101" sets the criteria for specifying which computers receive the application. (Aronberg, Column 4, lines 52-57). Thus, the cited portion only indicates that an administrator controls the distribution process. (See also, Aronberg, Column 4, lines 48- 61). An administrator is not a new user and the administrator console is not target computer to receive the distribution. Accordingly, Column 4, lines 52-57 do not disclose, teach, or suggest "selecting and modifying are performed when the user becomes newly associated with at least one of the target computers," as recited in Claim 91.

Examiner respectfully disagrees:

First, examiner maintains the rejection based on the “user as the administrator. (Col. 4, lines 62-67, Col. 3, lines 8-14, Col. 1, lines 41-45, and FIGs. 3-10; note that "the user at the administrator" selects which user associated with which computer should have a software.). Applicant argues “An administrator is not a new user” however the claim limitation in question is “…when the user becomes newly associated with at least one of the target computers”. User (admin) instead creates the association, and therefore anticipates this limitation.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. BROPHY whose telephone number is 571-270-1642. The examiner can normally be reached on Monday-Thursday 8:00AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJB

10/13/2008

/Wei Y Zhen/
Supervisory Patent Examiner, Art Unit 2191